

REMARKS

This Amendment is submitted in response to the Examiner's Action mailed May 18, 2004, with a shortened statutory period of three months set to expire August 18, 2004. Claims 1-57 are pending. With this amendment, claims 1, 2, 5, 20, 21, 24, 39, 40, and 43 have been amended.

Applicants have amended the claims to further describe the general requirement. The general requirement defines a function to be performed. The general requirement defines the function without defining a particular type of item. The function is capable of being performed by a plurality of different types of categories of items. A specified utility is received for at least one of a plurality of types of items which would perform the function.

Dependent claims have been amended to describe the general requirement being a means of transportation. The plurality of different types of categories of items includes cars, motorcycles, and bicycles.

The Examiner rejected claims 1, 2, 6, 9-12, 16, 21, 25, 28-31, 35-40, 44, 47-50, and 54-57 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,397,212 issued to *Biffar*. This rejection, as it might be applied to the claims as amended, is respectfully traversed.

Biffar describes specifying a type, such as a sport utility vehicle or non-fiction. *Biffar* then describes locating particular items that are this type. For example, Figure 6A depicts several different sport utility vehicles that have been found.

Applicants describe a general requirement. This general requirement defines a function to be performed and not a particular type of item. *Biffar* does not teach a general requirement by teaching a type of a sport utility vehicle or non-fiction. A sport utility vehicle is not a function to be performed. Similarly, non-fiction is not a function to be performed. Therefore, *Biffar* does not teach a general requirement as claimed by Applicants.

In addition, Applicants claim a general requirement that defines a function that is capable of being performed by a plurality of different types of categories of items. *Biffar* does not describe a plurality of different types of categories of items. In *Biffar*, a type

such as a sport utility vehicle may be selected. *Biffar* does not teach a plurality of different types of categories of items.

Applicants claim receiving a utility for an item that would perform the function. *Biffar* does not teach receiving a utility for an item that would perform the function defined by the general requirement.

Biffar does not teach a general requirement that defines a function to be performed and not a particular type of item. *Biffar* does not teach the function capable of being performed by a plurality of different types of items. *Biffar* does not teach receiving a utility for an item that would perform the function defined by the general requirement. Therefore, *Biffar* does not anticipate Applicants' claims.

The Examiner rejected claims 3-5, 13, 22-24, 32, 41-43, and 51 under 35 U.S.C. § 103(a) as being unpatentable over *Biffar* in view of U.S. Patent Application 2001/0037361 published by *Croy*. This rejection, as it might be applied to the claims as amended, is respectfully traversed.

Applicants claim a general requirement that defines a function to be performed and not a particular type of item, the function capable of being performed by a plurality of different types of items, and receiving a utility for an item that would perform the function defined by the general requirement.

Applicants further describe, in dependent claims, the general requirement defining a function that is a means of transportation. The plurality of different types of categories of items includes cars, motorcycles, and bicycles.

Biffar does not teach a general requirement that defines a function to be performed and not a particular type of item. *Biffar* does not teach the function capable of being performed by a plurality of different types of items. *Biffar* does not teach receiving a utility for an item that would perform the function defined by the general requirement. *Biffar* does not describe, teach, or suggest the function being a means of transportation. *Biffar* does not describe, teach, or suggest different types of categories of items that include cars, motorcycles, and bicycles.

The Examiner states that *Biffar* fails to teach a client/server system and uses *Croy* to supply this missing feature.

The combination of *Biffar* and *Croy*, however, fails to teach a general requirement that is a function to be performed on different types of categories of items and certainly fails to teach a general requirement that is a function to be performed that is a means of transportation where the different types of categories of items include cars, motorcycles, and bicycles. Therefore, the combination does not render Applicants' claims unpatentable.

The Examiner rejected claims 7, 8, 26, 27, 45, and 46 under 35 U.S.C. § 103(a) as being unpatentable over *Biffar* in view of Official Notice. This rejection, as it might be applied to the claims as amended, is respectfully traversed.

These claims describe a general requirement that defines a function to be performed and not a particular type of item, the function capable of being performed by a plurality of different types of items, and receiving a utility for an item that would perform the function in combination with determining a difference between price and utility of the items.

The Examiner states that *Biffar* fails to teach determining a difference between price and utility and uses the Office Notice to supply this feature.

Biffar does not teach the combination of a general requirement that defines a function to be performed and not a particular type of item, the function capable of being performed by a plurality of different types of items, or receiving a utility for an item that would perform the function. Therefore, the combination of *Biffar* and Official Notice does not describe, teach, or suggest the combination of a general requirement that defines a function to be performed and not a particular type of item, the function capable of being performed by a plurality of different types of items, or receiving a utility for an item that would perform the function in combination with determining a difference between price and utility of the items.

The Examiner rejected claims 14, 15, 33, 34, 52, and 53 under 35 U.S.C. § 103(a) as being unpatentable over *Biffar* in view of *Croy* and further in view of Official Notice. This rejection, as it might be applied to the claims as amended, is respectfully traversed.

These claims describe a general requirement that defines a function to be performed and not a particular type of item, the function capable of being performed by a

plurality of different types of items, and receiving a utility for an item that would perform the function in combination with determining a ratio of price to utility for an item.

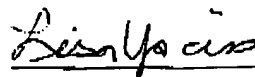
The Examiner states that the combination of *Biffar* and *Croy* does not teach determining a ratio and uses Office Notice to supply this missing feature. However, the combination of *Biffar*, *Croy*, and Official Notice does not render Applicants' claims unpatentable because none of the references teaches a general requirement that defines a function to be performed and not a particular type of item, the function capable of being performed by a plurality of different types of items, and receiving a utility for an item that would perform the function in combination with determining a ratio of price to utility for an item. Therefore, this combination of references does not render Applicants' claims unpatentable.

None of the references describes, teaches, or suggests a general requirement that defines a function to be performed and not a particular type of item, the function capable of being performed by a plurality of different types of items, and receiving a utility for an item that would perform the function defined by the general requirement. Therefore, Applicants believe the claims are patentable over the prior art.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: 08.18.04

Respectfully submitted,



Lisa L.B. Yociss
Reg. No. 36,975
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
(972) 367-2001
Attorney for Applicants